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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,502	02/12/2004	Leopoldo Alarcon	60282.00112	3668

32294 7590 05/24/2007
SQUIRE, SANDERS & DEMPSEY L.L.P.
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EXAMINER

GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,502

Applicant(s)

ALARCON ET AL.

Examiner

Amancio Gonzalez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-11, 13-16, 18-25, 27-30, 32-35, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Agrawal et al. (US 6992995 B2), hereafter "Agrawal."

Consider claims 1, 14, 24, and 33, Agrawal discloses handing over a connection of a mobile entity from a first network access entity to a second network access entity (see the abstract, col. 1 lines 60-67, col. 7 lines 9-13, col. 8 lines 39-51, where Agrawal discusses inter-domain transition –handoff- of a mobile node between a first and a second network). Agrawal implicitly discloses wherein a global address of the first network access entity is not known to the mobile entity (see the abstract, col. 4 lines 41-67, col. 5 lines 1-12, 26-37, col. 7 lines 9-19, col. 9 lines 55-67, where Agrawal discusses a mobile node receiving a global address and information

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see col. 2 lines 29-33, 65-67 and col. 3 lines 1-10, col. 4 lines 63-67 and col. 5 lines 1-4, col. 6 lines 17-24, col. 10 lines 35-56). Agrawal inherently discloses sending a message including information for identifying the first network access entity from the mobile entity to the second network access entity, which enables the second network entity to direct traffic destined to the first network entity (**see col. 5 lines 49-59, col. 11 lines 3-12, where Agrawal discusses identifying and authenticating a mobile node in a foreign –second- network).**

Consider claims 2, 3, 19, 20, and 25, Agrawal teaches claims 1, 14, and 24 above respectively, and further discloses *implicitly* identifying, providing a global address by a the second network access entity, and forwarding and routing packages to the mobile node via the provided global address (*access entity reads on mobility agent - MA-*, which intercepts packages forwarded to the mobile node via the provided global address, implicitly checking the global address assigned to the mobile node in the foreign –second- network –see col. 9 lines 19-26).

Consider claims 5-7, Agrawal teaches claim 1 above, and further discloses messages, including a global address, sent and received among networks and subnets (see the abstract, col. 4 lines 49-52, col. 7 lines 32-43).

Consider claims 8, 22, 27, and 39, Agrawal teaches claims 1, 14, and 33 above respectively, and further discloses a mapping table (see col. 8 lines 63-67 and col. 9 lines 1-14, col. 10 lines 10-14).

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Consider claims 10, 11, 13, 15, 16, 18, 29, 30, 32, 34, 35, and 37, Agrawal teaches claims 1, 14, 24, and 33 above respectively, and further discloses proxy related functions (see the abstract, col. 7 lines 9-16, col. 8 lines 45-51, 3-67, col. 11 lines 30-34).

Consider claims 21 and 38, Agrawal teaches claims 14, and 33 above respectively, and further discloses handover functions (see col. 1 lines 60-67, col. 2 lines 48-64).

Consider claims 23 and 40, Agrawal teaches claims 14, and 33 above respectively, and further discloses identification functions (see the abstract, col. 1 lines 60-67, col. 7 lines 9-13, col. 8 lines 39-51, where Agrawal discusses inter-domain transition –handoff- of a mobile node between a first and a second network –also see col. 5 lines 49-59, col. 11 lines 3-12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 12, 17, 31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (US 6992995 B2), hereafter "Agrawal," in view of Bearden et al. (US 20030086425 A1), hereafter "Bearden."

Consider claims 12 and 17, Agrawal teaches claims 1, and 14 above respectively, but does not particularly refer to monitoring network attributes or identifying network elements. Bearden discloses monitoring network attributes and identifying network elements (see abstract, pars. 0089, 0260). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Agrawal and have it include monitoring network attributes and identifying network elements, as taught by Bearden, enhancing quality of service for IP-based communication, as discussed by Bearden (see par. 0260).

7. Claims 4 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (US 6992995 B2), hereafter "Agrawal," in view of Lee (US 20060198372 A1), hereafter "Lee."

Consider claims 4 and 26, Agrawal teaches claims 1, and 24 above respectively, but does not particularly refer to Fast Binding Update message. Lee discloses Fast Binding Update message (see pars. 0024, 0030, 0082, 0094, 0119- 0121, 0125, 0126, 0142-0144). It would have been obvious to a person of ordinary skill in the art at the

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time the invention was made to modify the invention of Agrawal and have it include Fast Binding Update message, as taught by Lee, thereby preventing packet disorder and reducing packing loss in traffic exchange involving mobile IP communication, as discussed by Lee (see the abstract).

Conclusion

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

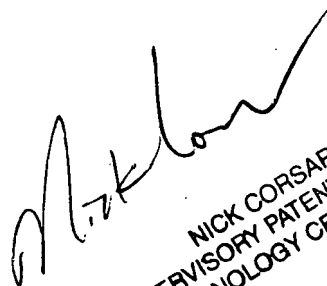
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

May 16, 2007



NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600